

SENATE BILL 671

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2004 Regular Session
4r1371

By: **Senator Colburn**
Introduced and read first time: February 6, 2004
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Dorchester County - ~~Right~~ Authorization to Harvest Seafood and Engage in**
3 **the Seafood Industry**

4 FOR the purpose of authorizing the County Council of Dorchester County to adopt an
5 ordinance, resolution, or regulation or take other action to ~~protect a person's~~
6 ~~right~~ authorize a person to engage in certain activities related to the seafood
7 industry and to harvest seafood; requiring the County Council to hold a public
8 hearing before adopting a certain ordinance, resolution, or regulation; providing
9 that in the event of a certain conflict, federal law, State law, or a certain written
10 program guidance preempts a certain ordinance, resolution, or regulation; and
11 generally relating to the authority of the County Council of Dorchester County
12 to ~~protect a person's right~~ authorize a person to engage in certain activities
13 related to the seafood industry and to harvest seafood.

14 BY adding to
15 Article 25 - County Commissioners
16 Section 232
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2003 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

1

Article 25 - County Commissioners

2 232.

3 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY COUNCIL OF
4 DORCHESTER COUNTY MAY ADOPT AN ORDINANCE, RESOLUTION, OR REGULATION
5 OR TAKE ANY OTHER ACTION THAT THE COUNTY COUNCIL CONSIDERS NECESSARY
6 TO ~~PROTECT A PERSON'S RIGHT~~ AUTHORIZE A PERSON TO:

7 (1) USE THE PERSON'S PERSONAL PROPERTY OR REAL ESTATE TO
8 OPERATE A SEAFOOD BUSINESS;

9 (2) BUY OR SELL SEAFOOD;

10 (3) STORE EQUIPMENT USED IN THE PERSON'S SEAFOOD BUSINESS;

11 (4) ENJOY THE QUIET CONDUCT OF THE PERSON'S SEAFOOD BUSINESS
12 IN CONFORMANCE WITH COUNTY AND STATE REQUIREMENTS; AND

13 (5) HARVEST SEAFOOD.

14 (B) BEFORE ADOPTING AN ORDINANCE, RESOLUTION, OR REGULATION
15 UNDER SUBSECTION (A) OF THIS SECTION, THE COUNTY COUNCIL SHALL HOLD A
16 PUBLIC HEARING AND PROVIDE REASONABLE NOTICE OF THE HEARING.

17 (C) IN THE EVENT OF A CONFLICT, FEDERAL LAW, STATE LAW, OR WRITTEN
18 PROGRAM GUIDANCE ISSUED BY A FEDERAL OR STATE AGENCY SHALL PREEMPT
19 ANY ORDINANCE, RESOLUTION, OR REGULATION ADOPTED OR ANY ACTION TAKEN
20 BY THE COUNTY COUNCIL UNDER THIS SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2004.